



Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact support@jstor.org.

ART. VII.—*American Criminal Trials*. By PELEG W. CHANDLER. Volume I. Boston: Charles C. Little & James Brown. 12mo. pp. 486.

THE object of this work is, to bring together a fair and full account of the most important criminal trials, which have occurred in the history of the now United States. The idea of a middle course between the heavy "State Trials" of Howell, and the sprightly "*Causes Célèbres*" of the French, is a good one, and, as far as the volume before us, relating to trials before the American Revolution, is concerned, the reader will find it carried out in an interesting and instructive manner. The book is suitable for popular reading, being free from legal technicalities and formal statements. A trial is taken, and all the facts anterior to its occurrence, with other matters serving to throw light upon it, are carefully collected. The materials are then interwoven into a narrative of the writer's own, thus forming a series of interesting and prominent facts in juridical literature.

Besides the public principles unfolded and illustrated in the judicial proceedings recorded in this work, the details of circumstances leading to the trials, and of the evidence adduced at them, exhibit a minute, graphic, and striking view of the state of society and manners at different periods and places, such as is scarcely in any other way to be obtained. The interior of social, domestic, and private life is frequently thrown open in the course of an examination of witnesses, and an access afforded to the retired paths of ordinary human experience, which history, in any of its other forms, does not approach. There is a peculiar satisfaction in contemplating such representations of actual life, in its minutest relations and interests, brought out to view in the true and authentic aspect which they wear, when appearing with the sanction of oaths, and under the decisive tests of a public investigation, and an unsparing cross-examination. The mind reposes with confidence on the scenes thus presented, and is gratified in beholding the image of its own nature and condition reflected in so clear a mirror. When we consider how acceptable, from this and other causes, to the public taste and curiosity, the accounts of trials, particularly criminal trials, always are, and look at the manner in which the work before us is prepared,

and take into view the field from which the author proposes to select his materials, we cannot doubt the success of his labors. The present volume justifies us in expressing the opinion, that Mr. Chandler, as he proceeds, will produce a work that will shed much light upon the progress of law and liberty, and also of manners and morals, in this country.

The first case presented is that of Anne Hutchinson. She was tried and condemned, not so much in consequence of alleged heretical opinions, as of the mischievous social influence she was believed to be exerting. At the meetings which she held, and which she made so attractive as to draw in a continually increasing number of the females of the colony, she is represented to have made a systematic assault upon the principles preached in the pulpits, and administered in the government, of Massachusetts. That assault was rendered effective and formidable by her genius and zeal. She was felt to be undermining the foundations of the church and the state. The question came up in her case, which comes up in other forms in our own age ; and it was settled by the New England fathers in the same way in which it has been settled of late in different parts of the country. It is, whether it is better to endure, in patience, the disturbance produced by agitators and fanatics, or by an exercise of absolute force to silence and suppress them. Upon a full and candid examination of the case the conclusion may, perhaps, be reached, that the New-England people of the olden time exercised about as much forbearance as men of this generation would commonly exhibit under similar circumstances.

Mrs. Hutchinson was not only in the daily habit of denouncing and ridiculing the clergy and the most cherished institutions of the country, but she advocated the startling doctrine of private revelations from the Divine Spirit, which she placed where, if real, they belonged, on a level with the revelations recorded in the Scriptures, or rather, as in effect it was, infinitely above them, because infinitely above any particular interpretations that may be made of them. She was powerful and ingenious in her knowledge and application of the Scriptures, long trained to disputation, fluent, prompt, and eloquent. Her sex shielded her from many of the means of opposition and resistance which might otherwise have been employed ; and, besides all this, there was mingled with her bold and fanatical notions and proceedings much truth, which

the age had not then reached, and of which the acquisition by her is wonderful and unaccountable. For these and other reasons, too numerous to be mentioned, she was indeed, most naturally, an object of the greatest dread, as an agitator and innovator, and was rapidly making progress in upturning and overthrowing the whole system of society and religion which the Puritans had fled to the American wilderness to establish and enjoy. And who that considers the sacrifices they had made, the privations they had endured, the sufferings and sorrows they had encountered, in procuring their settlement, — the price they had paid for the institutions and arrangements of their social and religious state and order, — can wonder that they were unwilling to see the fruits of their labors and struggles blasted, and the fabric, they had carefully and painfully reared, undermined and cast down ?

But much as we may sympathize with and pity them, we must not withhold our concurrence in that general voice of condemnation of their proceedings which is uttered by the present age. It is of the extremest importance that the principle, proclaimed in that condemnation, should be imprinted everywhere upon the public mind. It declares that no circumstances of provocation will ever justify the use of force in suppressing opinion, and that, however much disturbance, perplexity, and vexation, moral, political, or theological agitators and innovators may occasion, the hand of society must never attempt to restrain the utterance of their sentiments. We must endure and bear with them as incurable evils. We may try to keep out of their way, which, probably, is the better course, or we may, if we choose, resist them by argument ; but, whenever we so far lose our patience as to think of employing force, of any kind, to put them down, we come under the same condemnation which we, and all the rest of the world, have pronounced against the persecutors of Anne Hutchinson.

The political lesson taught by the proceedings in this case is, the danger of allowing a community, in its executive and legislative functions, to exercise judicial authority. The trial was conducted by the General Court, the governor presiding, and the ministers of the colony being permitted to mingle in the deliberations and proceedings. The tribunal, thus constituted, was armed with the entire political and moral power of the State, and was, for this reason, uncontrolled

and incontrollable. It was held in check by no principle of law, freed from the restraints of judicial precedents and usages, limited by no provisions of charter or constitution, and safe in going to any extremity of violence and outrage, because sure of support from the passions and the power of the whole people. Whoever reads this trial, or the trials of the Quakers, or of the reputed witches, which are very satisfactorily and fairly reported and described in this volume, will learn the infinite value of an independent judiciary, as an essential department of government, and will be convinced that it is the only safeguard of the liberty and life of the citizen.

We notice that Mr. Chandler intimates that Mrs. Hutchinson was probably employed, as an instrument and dupe, to make the disturbance she did, for the sake of promoting the political designs of the party attached to Governor (afterwards the celebrated Sir Henry) Vane. Unless he has better evidence of this than has come to our knowledge, we would suggest, whether the whole transaction is not rendered unnecessarily perplexed and entangled by such an insinuation.

One of the most curious and interesting events, in the history of society in this country, is presented in the chapter entitled "The New York Negro Plot." It occurred in 1741, fifty years after the witchcraft delusion, which has given such a peculiar notoriety to Salem, a city always at least on a level with any other in the intelligence of its population, but which, in consequence of its having happened to be the scene where the court assembled for the witchcraft trials, has ever since been most unjustly identified with popular superstition and fanaticism. We hesitate not to say, that in every particular the New York Negro Plot runs parallel with the witchcraft trials, — in the absurdity of the delusion, in the ferocity of the popular excitement, in the violence that was done to common sense, reason, and the law, and in the bloody and awful results of the proceedings. And yet the world has been willing to forget the New York Negro Plot, while every child is taught, when the name of Salem is mentioned, to associate with it the horrors and the follies of witchcraft. But the New York Negro Plot ought not to be forgotten; it teaches a much more important lesson than the witchcraft delusion. The latter illustrates the blind and destructive energy of the popular passions, under circumstances and influences, belonging to an age of comparative ignorance and superstition, and which can never again occur; while the

former illustrates the same blind and destructive energy of the popular passions, under circumstances and influences belonging to all times, and which may be repeated, perhaps will be more likely to be repeated, the more society is concentrated by the progress of civilization.

A considerable degree of ill-feeling had for some time been growing up between the white and the colored population of the city of New York. The passions of the respective parties were inflamed by frequent collisions and difficulties occurring between individuals. The public imagination, as usual, when the popular passions are excited, soon became distempered. The whole mass of accumulated fear, prejudice, hatred, and revenge, was at last kindled, as by a spark, on the utterance of the cry "Negro plot!" and the community rushed blindly into the most desperate and phrensied delusion, each individual contributing fuel to the flame. Accusations, confessions, executions, followed in quick succession. The government, the judges, the entire bar, and all classes, were swept into the excitement. No individual retained his coolness or self-possession. There was not a hand left to hold firmly aloft the scales of justice. There was not a voice to plead the cause of accused innocence. Reason was, for the time, extinguished, and every heart was perverted and hardened, by fear, and hate, and horror. Over one hundred and fifty persons were cast into prison. Four white persons were hanged. Eleven negroes were burned at the stake; eighteen were hanged, and fifty were transported into West India slavery. This whole horrible scene was an utter delusion, commencing in malice and folly, and carried through all its terrific stages by a combination of passions, such as exist, and always will exist, in every community of men, and unless controlled, and guided, and mitigated, by reason, law, and the spirit of Christian moderation, may at any time break forth and lay waste society.

It is a singular circumstance, and completes the parallelism between this transaction and the Salem witchcraft, that in each a clergyman was among the sufferers. While the negro-plot delusion was at its height, the public mind was still more distracted and shocked, and thrown into deeper consternation, by the cry of "Popery"; and the idea at once pervaded the whole community, that the Pope of Rome was at the bottom of the conspiracy. To this idea, an estimable clergy-

man, named John Ury, fell a victim. The following is the address he made, when arrived at the place of execution ;

“ Fellow-Christians, I am now about to suffer a death, attended with ignominy and pain ; but it is the cup that my heavenly Father has put into my hand, and I drink it with pleasure ; it is the cross of my dear Redeemer, I bear it with alacrity, knowing that all that live godly in Christ Jesus, must suffer persecution ; and we must be made in some degree partakers of his sufferings, before we can share in the glories of his resurrection ; for he went not up to glory before he ascended mount Calvary ; he did not wear the crown of glory before the crown of thorns. I am to appear before an awful and tremendous God, a being of infinite purity and unerring justice ; a God who by no means will clear the guilty, that cannot be reconciled either to sin or sinners ; in the presence of that God, the possessor of heaven and earth, I lift up my hands, and solemnly protest, I am innocent of what is laid to my charge. I appeal to the great God for my non-knowledge of Hughson, his wife, or the creature that was hanged with them. I never saw them living, dying, or dead ; nor ever had I any knowledge or confederacy with white or black, as to any plot : and, upon the memorials of the body and blood of my dearest Lord, in the creatures of bread and wine, in which I have commemorated the love of my dying Lord, I protest that the witnesses are perjured ; I never knew them but at my trial. But for a removal of all scruples that may arise after my death, I shall give my thoughts on some points.

“ First, I firmly believe and attest, that it is not in the power of man to forgive sin ; that is the prerogative only of the great God to dispense pardon for sin ; and that those who dare pretend to such a power, do, in some degree, commit that great and unpardonable sin, the sin against the holy spirit ; because they pretend to that power which their own consciences proclaim to be a lie.

“ Again, I solemnly attest and believe, that a person having committed crimes that have or might have proved hurtful or destructive to the peace of society, and does not discover the whole scheme, and all the persons concerned with him, cannot obtain pardon from God. And it is not the taking any oath or oaths that ought to hinder him from confessing his guilt, and all that he knows about it ; for such obligations are not only sinful, but unpardonable, if not broken. Now, a person firmly believing this, and knowing that an eternal state of happiness or misery depends upon the performance or non-performance of the above mentioned things, cannot, will not, trifle with such important affairs.

“I have no more to say by way of clearing my innocence, knowing that to a true, Christian, unprejudiced mind, I must appear guiltless ; but, however, I am not very solicitous about it. I rejoice, and it is now my comfort, (and that will support me and protect me from the crowd of evil spirits that I must meet with in my flight to the region of bliss assigned me,) that my conscience speaks peace to me. Indeed, it may be shocking to some serious Christians, that the holy God should suffer innocence to be slain by the hands of cruel and bloody persons, (I mean the witnesses who swore against me at my trial,) indeed, there may be reasons assigned for it, but as they may be liable to objections, I decline them ; and shall only say, that this is one of the dark providences of the great God, in his wise, just, and good government of this lower world.

“In fine, I depart this waste, this howling wilderness, with a mind serene, free from all malice, with a forgiving spirit, so far as the Gospel of my dear and only Redeemer obliges and enjoins me to, hoping and praying that Jesus, who alone is the giver of repentance, will convince, conquer, and enlighten, my murderers’ souls, that they may publicly confess their horrid wickedness before God and the world, so that their souls may be saved in the day of the Lord Jesus.” — pp 248 – 251.

The most important trial, by far, in this collection, is that of John Peter Zenger, before the Supreme Court of New York, for two libels on the government. It took place on the 4th of August, 1735, James de Lancey, Chief Justice, presiding, assisted by Frederick Felipe, second justice. Governor Crosby, whose administration began in 1732, became involved in a violent and bitter controversy with the people of the Province of New York. The legislature and the Council were brought under his influence, and the higher courts of law also were so modelled as to be instruments in the hands of the government against the people. The only resource of the people was in the press. A newspaper, called “The Weekly Journal,” was their organ. It was printed by John Peter Zenger, a poor, but able and spirited individual. The chief justice endeavoured in vain to prevail upon the grand jury to indict him. The Council then pronounced four of Zenger’s newspapers to be “false, scandalous, malicious, and seditious libels,” and ordered them to be burned by the common hangman. The order was read in the court of quarter sessions, but the magistrates would not suffer it to be entered. The sheriff caused the papers to be burned by his negro servant. Zenger was then arrested by

order of the Council, and thrown into jail. His friends procured a writ of *habeas corpus*, but the bail was put so high that he could not procure it. While he was thus lying in jail, the judges attempted again to get him indicted by the grand jury, but without success. The attorney-general then charged him by information for a misdemeanor in printing the said "false, scandalous, malicious, and seditious libels." Two popular leaders, James Alexander and William Smith, undertook the defence of Zenger, but, taking exceptions to the jurisdiction of the court, they were summarily excluded from practising in the court, and their names stricken from the roll of attorneys. This high-handed procedure of the judges amounted to a threat of destruction to any lawyer of the New York bar, who should venture to espouse the cause of Zenger. In this extremity, his friends had recourse to a remedy which proved effectual. They went to Philadelphia and engaged the services of Andrew Hamilton, a celebrated barrister, about eighty years of age. This extraordinary man is thus described by Mr. Chandler ;

"Educated in England, and in practice there before coming to this country, he had a good knowledge of law as a science, and took the highest rank in his profession. His honor, integrity, and ability secured for him the respect and admiration of many who differed from him in opinion. He was an ardent friend of free and liberal institutions, and, fearless of consequences, he denounced the encroachments and usurpations of those in authority with a boldness that excited their fear and hatred, while his easy and graceful eloquence, his powers of sarcasm, and his powerful declamations, enraptured the people."

When the trial came on, Zenger had been in prison many months, and there seemed but little ground for hope that he could be rescued from the vengeance of the government. The charge was, that he had printed and published certain alleged libels. The first point to be judged was, that he did print and publish the papers ; and the next, that they were libellous. The junior counsel for the defendant proposed to contest the first point, but Hamilton overruled him, and, acknowledging the printing and publication, boldly threw himself on the other point, and took the ground, that he had printed and published no more than every free-born British subject had a right to print and publish.

Mr. Chandler has given the argument of Hamilton at length.

We can assure every one, who reads it, of a rich intellectual repast. It is a magnificent specimen of forensic and judicial eloquence. In dignity and strength, in ingenuity and elegance, and in every attribute that can add force or weight to such an argument, it is scarcely surpassed. He was frequently interrupted by the attorney-general, and the chief justice endeavoured to cut him short, taking the ground, that the jury had no other duty to perform than to find the facts of the printing and publishing, which Hamilton had admitted, and that it was for the court to adjudge the libel. Upon the court's asserting this, Hamilton deliberately turned to the jury, and addressed his argument to them, showing it was their right, and privilege, and duty, to place themselves between the court and the citizen, and protect the latter against such a claim by the former. He proved that they, the jury, were the judges of the law as well as the fact, that the whole case was in their hands, and that they ought not to relinquish any part of it to the court. When we read his argument, it seems to us that, if ever the spirit of liberty was embodied in the language of man, it was on that occasion. In that argument, the sovereign power of the people, of whom the jury were the representatives, first came forth in complete manifestation, in America, perhaps we may say, in the world. The judiciary having become degraded into the tool of the other branches, Hamilton evoked from the bosom of the people, through the peaceful and legitimate medium of a jury, that great remedial and conservative power, which, in the last resort, can only be found in the people.

He concluded in the following manner, alluding it will be perceived, to his having come from another Province, and to his great age ;

“ I hope to be pardoned, Sir, for my zeal upon this occasion ; it is an old and wise caution, that, when our neighbour's house is on fire, we ought to take care of our own. For, though, blessed be God, I live in a government where liberty is well understood, and freely enjoyed ; yet experience has shown us all, (I am sure it has to me,) that a bad precedent in one government is soon set up for an authority in another ; and therefore I cannot but think it mine, and every honest man's duty, that (while we pay all due obedience to men in authority) we ought at the same time to be upon our guard against power, wherever we apprehend that it may affect ourselves or our fellow-subjects.

"I am truly very unequal to such an undertaking on many accounts. And you see I labor under the weight of many years, and am borne down with great infirmities of body ; yet, old and weak as I am, I should think it my duty if required, to go to the utmost part of the land, where my service could be of any use in assisting to quench the flame of prosecutions upon informations, set on foot by the government, to deprive the people of the right of remonstrating (and complaining too) of the arbitrary attempts of men in power. Men, who injure and oppress the people under their administration, provoke them to cry out and complain ; and then make that very complaint the foundation for new oppressions and prosecutions. I wish I could say there were no instances of this kind. But, to conclude ; the question before the court and you, gentlemen of the jury, is not of small nor private concern ; it is not the cause of a poor printer, nor of New York alone, which you are now trying ; no ! it may, in its consequences, affect every freeman that lives under a British government on the main of America. It is the best cause ; it is the cause of liberty ; and I make no doubt but your upright conduct, this day, will not only entitle you to the love and esteem of your fellow-citizens ; but every man who prefers freedom to a life of slavery, will bless and honor you, as men who have baffled the attempts of tyranny, and, by an impartial and uncorrupt verdict, have laid a noble foundation for securing to ourselves, our posterity, and our neighbours, that to which nature and the laws of our country have given us a right, — the liberty, both of exposing and opposing arbitrary power, in these parts of the world, at least, by speaking and writing truth." — pp. 203 — 205.

The jury returned a verdict of *not guilty*, in the very teeth of an authoritative charge from the chief justice against the defendant.

The decision of the jury was received with shouts of applause. The judges threatened to imprison the promoters of such a disorderly proceeding, but the people were too much excited and entranced by the greatness of the occasion to heed the voice of authority. A son of Admiral Norris rose and called for a renewal of the shouting, which was continued, and could not be repressed. Hamilton, who would receive no pecuniary compensation for his services, was borne in triumph from the court-room. He was carried to a festive entertainment, which was repeated by the city authorities before his return to Philadelphia. The Common Council presented him with the freedom of the city, the certificate of which was

enclosed in a splendid gold box, purchased by subscription, and, as he stepped into the barge, on his departure from New York, the public sense of gratitude and admiration was expressed by a salute of artillery.

Gouverneur Morris asserted, that Hamilton's argument, and the result of the trial of Zenger, were the germ of American freedom, the morning star of our liberty. The trial took place forty years before the Revolution. Massachusetts and Virginia have indulged in an honorable contention for the glory of having first started the ball of independence. Pennsylvania and New York, on the strength of this trial,—the one having furnished the advocate, the other the jury,—may not unreasonably put in their claims for the glorious distinction.

We would suggest to Mr. Chandler to prepare a brief sketch of the life and character of Andrew Hamilton, to be placed in his Appendix to the first volume, together with the notices he has given of Stoughton, John Adams, and Josiah Quincy, Jr. He was for a great length of time a leading man in Pennsylvania in the legislative and executive departments of the government, and was long the undisputed head of the bar. Under his direction the State House was erected in the city of Philadelphia, and the square belonging to it laid out. In the month of August, 1739, four years after the trial of Zenger, he retired from the chair of the Speaker of the Pennsylvania Assembly, and from public life. His speech on the occasion is preserved by the historians. He died near the close of the summer of 1741. His son, James Hamilton, was for many years Governor of Pennsylvania, and as such received the encomiums of General (then Colonel) Washington. Andrew Hamilton, of East New Jersey, was selected in 1701 by William Penn, to be Governor of Pennsylvania, an office which he filled with great honor. We should be obliged to Mr. Chandler, if he would ascertain and inform us, whether this early governor of Pennsylvania was the ancestor of Andrew and James Hamilton. The memory of such a man as the defender of Zenger, of his origin and descendants, ought not to pass into oblivion.

Our limits do not allow us to enter upon the consideration of any of the other trials presented in the work before us. The following is the shortest of the collection, and not without interest.

“In the month of April, 1769, a brigantine, the *Pitt Packet*,
VOL. LIV. — NO. 114.

of Marblehead, was boarded as she was coming in from Europe, seven leagues from land, by a boat from the *Rose* man-of-war, the Boston station ship, then cruising in order to impress seamen. The seamen of the brigantine, four in number, determined not to be impressed, and, having provided themselves with harpoons and other weapons, they shut themselves up in the fore peak, declaring that they preferred death to slavery, and would sacrifice their lives sooner than be taken out of the ship. Panton, the lieutenant of the *Rose*, seeing the desperate determination of the men, at first endeavoured to persuade them to surrender, and at length promised that he would be content with one of their number. Finding that mild measures were of no avail, he informed them that he should make use of force, and they declared that they would resist unto death. A pistol, charged with powder, was then fired at them, which burned the face of Michael Corbett, and immediately afterwards another of the number received a shot in the arm. The seamen now became desperate, and repeatedly asserted that they would kill the first man who offered to approach them; and a man sent in by the lieutenant was considerably wounded, and retreated.

“Lieutenant Panton then declared that he would lead the way himself. Corbett warned him not to approach, and called God to witness, that, if he advanced one step towards them, he should instantly die. The lieutenant, who was a resolute and brave officer, coolly remarked, that he had seen many a brave fellow in his life, but would take a pinch of snuff and consider the matter, which, having deliberately done, he moved towards the seamen, when Corbett, agreeably to his threat, struck him with a harpoon, which cut the jugular vein. The unfortunate officer gasped out that they had taken his life, and immediately expired. The seamen continued to defend themselves, but, having provided themselves with rum, they became intoxicated and were taken to Boston. Their names were Michael Corbett, Pierce Fenning, William Courier, and John Byan.

“They were brought up before a special court of vice-admiralty, consisting of crown officers, ‘commissioners for the trial of piracies, robberies, and felonies on the high seas,’ which court had always proceeded without a jury. But James Otis and John Adams, counsel for the prisoners, insisted upon a trial by jury as a matter of right. The point was elaborately argued by counsel. Governor Bernard, the president of the court, was inclined to favor the trial by jury, and the King’s counsel acceded to it; the only point remaining was the manner of summoning the jurors. But Hutchinson, the chief justice, who was one of the commissioners, being well satisfied

that the decision was directly against law, drew up a statement of the case, which convinced the court that they ought to proceed without a jury.

“Accordingly, on Tuesday the nineteenth of June, 1769, the trial commenced in Boston, before the following commissioners : — Sir Francis Bernard, governor of Massachusetts ; John Wentworth, governor of New Hampshire ; Samuel Hood, commodore and commander of his Majesty’s ships ; Thomas Hutchinson, lieutenant-governor of Massachusetts ; Jonathan Warner and George Jaffrey, of his Majesty’s Council in New Hampshire ; Robert Auchmuty, judge of the court of vice-admiralty for Massachusetts ; John Andrews, judge of the court of vice-admiralty for Rhode Island ; Andrew Oliver, secretary of the province ; Robert Trail, collector of the port of Portsmouth ; John Nutting, collector of Salem ; Joseph Harrison, collector of Boston.

“The trial occupied a week. The fact of the homicide was clearly proved ; but it appeared that neither the lieutenant nor any of his superior officers were authorized to impress, by any warrant or special authority from the Lords of the Admiralty ; and the court was unanimously of opinion, that the prisoners had a good right to defend themselves, and that they ought to be acquitted of murder, with which they were charged ; and that, at common law, the killing would not have amounted to manslaughter.

“The prisoners were accordingly discharged, and a midshipman of the *Rose* was immediately arrested in an action for damages for the wound inflicted in the arm of one of them, and gave bail in the sum of three hundred pounds.”—pp. 297 – 300.

ART. VIII. — 1. *The Jubilee of the Constitution ; a Discourse delivered at the Request of the New York Historical Society in the City of New York, on Tuesday, the 30th of April, 1839 ; being the Fiftieth Anniversary of the Inauguration of George Washington, as President of the United States, on Thursday, the 30th of April, 1789.* By JOHN QUINCY ADAMS. New York : Samuel Colman. 8vo. pp. 136.

2. *An Oration on the Material Growth and Territorial Progress of the United States, delivered at Springfield, Massachusetts, on the Fourth of July, 1839.* By CALEB CUSHING. Springfield : Merriam, Wood, & Co. 8vo. pp. 32.